Colorado Department of Public Health and Environment Health Facilities and Emergency Medical Services Division Emergency Medical and Trauma Services Section		
SUBJECT: Criminal Conviction P	olicy	
Date: July 1, 2005 Revised: July 1, 2011	Replacement page(s) Of Part Addition of page(s) To Part New	_
EMTS Section Chief signature _		Date

## **Summary:**

EMS providers are placed in a position of the highest public trust. They have unsupervised, intimate, physical and emotional contact with patients at a vulnerable time, as well as unsupervised access to personal property. Consequently, the Department shall review and consider felony and misdemeanor convictions in making certification determinations.

## Policy:

A. The Department may deny, revoke, suspend, limit, modify, or refuse to renew a certificate, may impose probation on a certificate holder, or may issue a letter of admonition for **good cause**, in accordance with Department regulations at 6 CCR 1015-3, Chapter One: Rules Pertaining to EMS Education and Certification, and with the State Administrative Procedure Act (APA), section 24-4-101 *et seq.*, C.R.S. Individuals may appeal such actions pursuant to Department regulations and the APA.

Good cause includes conviction of, or a plea of guilty, or of no contest, to a felony or misdemeanor that relates to the duties and responsibilities of a certificate holder including patient care and public safety. For purposes of this paragraph, "conviction" includes the imposition of a deferred sentence. The following crimes set forth in the Colorado Criminal Code (Title 18, C.R.S.) are considered to relate to the duties and responsibilities of an EMS provider/applicant.

- 1. Offenses under Article 3 Offenses against a person.
- 2. Offenses under Article 4 Offenses against property.
- 3. Offenses under Article 5 Offenses involving fraud.
- 4. Offenses under Article 6 Offenses involving the family relations.
- 5. Offenses under Article 6.5 Wrongs to At-Risk Adults.
- 6. Offenses under Article 7 Offenses related to morals.

- 7. Offenses under Article 8 Offenses Governmental Operations.
- 8. Offenses under Article 9 Offenses against public peace, order and decency.
- 9. Offenses under Article 17 Colorado Organized Crime Control Act.
- 10. Offenses under Article 18 Uniform Controlled Substances Act of 1992.
- B. The offenses listed above are not exclusive. The Department may consider other pleas or criminal convictions, including those from other state, federal, foreign or military jurisdictions.
- C. Within the categories of criminal offenses listed above, certain crimes are considered to present an unreasonable risk to public health and safety, such that applications for certification or certification renewal presumably shall be denied or disciplinary sanctions shall be imposed unless, upon consideration of all the facts and circumstances, the Department determines otherwise. These crimes include:
  - 1. Crimes involving sexual misconduct where the victim's failure to affirmatively consent is an element of the crime.
  - 2. Crimes involving the sexual or physical abuse of children, the elderly or the infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, and assault on an elderly or infirm person.
  - 3. Any crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility including abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the EMS provider.
- D. Additionally, the following crimes and/or circumstances are considered to present a significant risk to public health and safety, such that applications for certification or certification renewal may be denied or disciplinary sanctions may be imposed, depending upon the facts and circumstances.
  - 1. Conviction of or plea to crimes for which the individual is currently incarcerated, on work release, on probation or on parole, or has not yet completed all court orders associated with the conviction/plea.
  - 2. A continuing pattern of criminal conduct.
  - 3. Conviction of or plea to crimes in the following categories:
    - a. Serious crimes of violence against persons, such as assault or battery with a dangerous weapon, aggravated assault and battery, murder or attempted murder, manslaughter except involuntary manslaughter, kidnapping, robbery of any degree; or arson.
    - b. Crimes involving controlled substances or synthetics, including unlawful use, possession or distribution, or intent to distribute unlawfully.

- c. Serious crimes against property, such as grand larceny, burglary, embezzlement or fraud.
- E. In determining whether to deny, revoke, suspend, limit, modify, or refuse to renew a certificate, impose probation on a certificate holder, or issue a letter of admonition based on a criminal conviction, the Department may consider, but is not limited to, the following information:
  - 1. The nature and seriousness of the crime.
  - 2. Whether the crime was against person or property and committed while in a position of trust.
  - 3. Whether the crime relates directly to the skills of emergency medical services and the delivery of patient care.
  - 4. The length of time elapsed since the crime was committed.
  - 5. Whether the crime involved violence to, or abuse of, another person.
  - 6. Whether the crime involved a minor or a person of diminished capacity.
  - 7. The applicant's/EMS provider's actions and conduct since the crime occurred.
  - 8. Compliance with all court orders associated with the conviction (court issued documents demonstrating fulfillment of all court orders shall be submitted for consideration).
  - 9. Subsequent criminal actions.

Policy Basis:

6 CCR 1015-3, Chapter 1: Rules Pertaining to EMS Education and Certification